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November 12, 1958

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CONCORD, N.H.

Mr. Paul E. Farnum
Acting Commissioner of Education
State House
Concord, New Hampshire

Dear Mr. Farnum:

This is in reply to your letter of October 23, 1958 in which you request our assistance relative to the eligibility of Mary Learson Sharmat for scholarship assistance at Columbia University under the provisions of RSA 193:19 - 25.

In this connection you have submitted to this office what appears to be your complete file relating to this individual. From this material it appears that Mrs. Sharmat (then Mary C. Learson) first applied for such assistance in November of 1951, that her application was approved and that she received assistance during two years attendance at the University of New Hampshire. It further appears that she applied for additional assistance in September of 1956 in order to attend school at the American Theater Wing in New York City. This second application was approved by your office for an additional two years of assistance at \$250. a year. Apparently Miss Learson never attended the American Theater Wing and did not avail herself of this second grant.

From your file it appears that Mary (Learson) Sharmat was a legal resident of New Hampshire at the time of each of the above mentioned applications.

On September 16, 1958 your office received a third application from Mary (Learson) Sharmat for a scholarship grant to assist her while attending Columbia University. It appears that during the interim between the 1956 and 1958 applications this young lady married a man named Sharmat who is a resident of Boston, Mass. You have inquired whether or not Mrs. Sharmat is a legal resident of the State at the time of application as required by RSA 193:19 which provides as follows:

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"193:19 Purpose of Appropriations. The sums appropriated under the provisions of this subdivision shall be used for the sole purpose of contributing to the payment of board, room rent, books and supplies, at institutions of secondary or college grade, of children between the ages of sixteen and twenty-five years, who are legal residents of the state at the time of application, whose fathers or mothers served in the army, navy or marine corps of the United States from April 6, 1917 to July 2, 1921 or from December 7, 1941 to December 31, 1946, or June 25, 1950 to cessation of hostilities; having since died from service connected disability so rated by the federal government and having been at time of death legal residents of the state." (emphasis added)

We reply in the affirmative.

We are of the opinion that in determining the eligibility of an applicant for a scholarship under RSA 193:19, reference must be made to the residence of the applicant at the time of his or her first application for assistance. Since Mrs. Sharnat was a legal resident of New Hampshire at the time of her first application we believe she is now entitled to further assistance provided she meets all the other statutory requirements of RSA 193:19-25. Any other interpretation would operate to deprive Mrs. Sharnat of aid simply because she chose to marry during a break in her education. Such a result would be contrary to public policy and we cannot believe that the Legislature intended any such result.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr/m

P.S. We are returning herewith the file material which you sent us to assist in making our decision.

G.T.R.